

**COURT OF APPEALS
DECISION
DATED AND FILED**

April 22, 2014

Diane M. Fremgen
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2013AP1014

Cir. Ct. No. 2011CV2480

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT III**

RIVERWALK HOLDINGS LTD,

PLAINTIFF-RESPONDENT,

V.

RICHARD S. DENIS,

DEFENDANT-APPELLANT.

APPEAL from a judgment of the circuit court for Brown County:
DONALD R. ZUIDMULDER, Judge. *Affirmed.*

Before Hoover, P.J., Mangerson and Stark, JJ.

¶1 PER CURIAM. Richard Denis, pro se, appeals a summary judgment granted to Riverwalk Holdings Ltd, arising out of amounts owed on a consumer credit card account. We affirm.

¶2 Denis defaulted on his credit card account and Riverwalk commenced a collection action.¹ The circuit court denied Denis’s motion to dismiss, and subsequently granted Riverwalk’s motion for summary judgment. Denis now appeals.

¶3 We review the grant of summary judgment using the same methodology as the circuit court. *See City of Beaver Dam v. Cromheecke*, 222 Wis. 2d 608, 613, 587 N.W.2d 923 (Ct. App. 1998). The controlling principle of the well-known methodology is that “summary judgment is appropriate when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.” *Id.*; *see also* WIS. STAT. § 802.08(2).²

¶4 Riverwalk submitted affidavits in support of summary judgment establishing Denis’s liability for the debt and Riverwalk’s acquisition of the debt. In addition, the affidavits established Denis failed to respond to requests for admission, thereby conceding his liability to Riverwalk for the indebtedness. *See* WIS. STAT. § 804.11(1)(b).

¶5 Denis could not rest upon the denials contained in his pleadings, but was required to present evidence raising a genuine issue of material fact requiring a trial. *See* WIS. STAT. § 802.08(3). Here, Denis failed to provide specific facts by affidavit or other proper statutory means to raise a genuine issue of material fact for trial. *See id.* The circuit court properly granted summary judgment.

¹ US Bank issued the credit card and assigned the outstanding balance to Riverwalk Holdings Ltd.

² References to the Wisconsin Statutes are to the 2011-12 version.

¶6 Denis insists he was denied due process. He also alleges circuit court bias throughout the underlying litigation. However, his arguments are undeveloped and unsupported. We therefore will not further address the issues. *See M.C.I., Inc. v. Elbin*, 146 Wis. 2d 239, 244-45, 430 N.W.2d 366 (Ct. App. 1988). In any event, our review of the record does not support Denis's assertions. We note the record on appeal does not contain a transcript of the summary judgment hearing; therefore, we must assume missing material supports the circuit court's decision. *See Fiumefreddo v. McLean*, 174 Wis. 2d 10, 26-27, 496 N.W.2d 226 (Ct. App. 1993).

By the Court.—Judgment affirmed.

This opinion will not be published. *See* WIS. STAT. RULE 809.23(1)(b)5.

